

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 9/25/2023

Plaintiff shall file all materials associated with her motion by September 29, 2023. As this is the third extension that has been provided to facilitate the submission of these materials, I do not expect to grant further extension of this deadline.

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September 22, 2023

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall
United States Court House
40 Foley Square
New York, New York 10017

Re: Lori Ostenfeld v. The Guardian Life Insurance Company of America, et al.
Case No. 22-cv-08265 (VSB)

Dear Judge Broderick:

This office represents plaintiff in the above referenced action. In accordance with the schedule previously ordered by the Court, plaintiff, on September 13th, filed her motion seeking to compel the filing of a redacted document. (Letter Motion to Seal, Doc. No. 46).

Pursuant to § 5 (B) (iii) of your Individual Rules and Practices, plaintiff was required to file, in support of her motion, (1) a copy of the document with the proposed redactions; and (2) under seal, an unredacted copy with the proposed redactions highlighted (with the appropriate level of restriction). Due to the need to break down these files to subparts because of their size, the Court granted plaintiff's application to extend her time to file the supporting documents, ultimately, until today.

Since the most recent extension was granted, our office has reconfigured the constituent files for both the proposed redacted record and the unredacted, highlighted record to be filed under seal. A link to these files was emailed to defendant's counsel earlier today. Based on our assessment, it appears that all the constituent files fall below the SDNY 10 MB limit therefore there should be no problem filing them.

However, a separate problem has arisen in that our client, plaintiff, Lori Ostenfeld has not been able to complete her review of the proposed submission. This is due to both technical issues which have prevented her from gaining access to the files as well as an ongoing personal

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situation which has further impeded her ability to complete her review.

Consequently, we are requesting, on behalf of plaintiff, an extension of one week; i.e., until September 29th to make the submission which was due today.

As an alternative, plaintiff would request leave to (1) submit, under seal, by an immediate date certain to be determined by the Court, the Declaration of the undersigned in support of the motion with attached Exhibit 1 (List of Redactions); Exhibit 2 (proposed redacted record) and Exhibit 3 (unredacted, highlighted record); and, further (2) submit, by a later date to be determined by the Court, the remaining publicly filed component of the motion or otherwise advise the Court as to plaintiff's position after our client has had the opportunity to review the documents.

There have been two previous extensions of the deadline to file documents in support of the previously filed Letter Motion to Seal. Earlier this evening, I sent an email to Brooks Magratten, counsel for defendants, to ascertain his position on this request but, in all likelihood due to the lateness of the hour, he has not responded.

We thank the Court for its consideration of this application.

Respectfully submitted,

/s/

Wayne J. Schaefer

cc: Counsel of Record (by ECF)

Lori Ostenfeld, (by First Class mail)